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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/599,579	10/02/2006	Reiner Buhlmann	72354	1997
23872 7590 05/08/2009 MCGLEW & TUTTLE, PC P.O. BOX 9227 SCARBOROUGH STATION SCARBOROUGH, NY 10510-9227			EXAMINER ALAM, SALIM J	
			ART UNIT 4136	PAPER NUMBER
			MAIL DATE 05/08/2009	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/599,579	BUHLMANN, REINER	
	<b>Examiner</b>	<b>Art Unit</b>	
	SALIM ALAM	4136	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 02 October 2006.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-11 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1 - 3, 5 - 10 is/are rejected.
- 7) ☒ Claim(s) 4, 11 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 10/2/2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)            | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. _____                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>10/02/2006</u> .  | 6) <input type="checkbox"/> Other: _____                          |

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## **DETAILED ACTION**

### ***Priority***

1. Acknowledgment is made of applicant's claim for foreign priority under 35 U.S.C. 119(a)-(d). The certified copy has been filed in parent Application No. Germany 10 2004 017 736.8, filed on 13/April/2004.

### ***Information Disclosure Statement***

2. The information disclosure statement (IDS) submitted on 10/2/2006 is being considered by the examiner.

### ***Claim Rejections – 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

4. Claims 1 thru 3, and claims 5 thru 10 are rejected under 35 U.S.C. 102(e) as being anticipated by An (US 20060118645 A1).
5. In Re Claim 1, An discloses that it is an object of the present invention to provide a tap water temperature sensing type of light emitting apparatus that is provided with a light emitting apparatus that is provided with light emitting elements that produces different color lights in accordance with the variations of the water temperature, thereby not only allowing users to

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visibly check instant water temperature from the tap but also satisfying a variety of desires of the users generally. A sensing unit is adapted to measure the water temperature by use of the water to be measured as a direct heat medium, unlike an alloy thermocouple, or hydraulic limit switch that is used in the conventional practices, and to emit the different color lights in accordance with the measured information.

6. In Re Claim 2, An discloses the invention includes a power source that is provided with a generator that has a small size of magnetic turbine rotated by the pressure of discharging of tap water to thereby generate alternating current and with a rectifier that transforms the alternating current generated in the generator to direct current to thereby provide the direct current to each part, a control unit that is adapted to sense whether the tap tube is opened and closed to thereby control the power supply of the power source, a sensing unit that is disposed around a portion where cool water and hot water meet to thereby sense the temperature of water in the tap tube, a light emitting unit that is adapted to produce different color lights in accordance with the sensed water temperature in the sensing unit, and a light transmitting unit that is adapted to receive the light produced from the light emitting unit, for transmitting unit that is adapted to receive the light produced from the light emitting unit, for transmitting the light to a discharge outlet of the tap tube.

7. In Re Claim 3, An discloses that the light emitting unit serves to receive the power by the power source and to emit different color lights, depending upon sensed water temperature in the sensing unit. In the present invention, the light emitting unit is employed with two tones of color LED. Of course, it may be not limited thereto.

8. In Re Claim 5, An discloses a tap water temperature sensing type of light emitting apparatus including: a power source adapted to supply power; a control unit for sensing opening/closing state of the tap tube. An also discloses; the present invention includes a power source that is provided with a generator that has a small size of magnetic turbine rotated by the pressure of discharge of tap water to thereby generate alternating current and with a rectifier that transforms the alternating current generated in the generator to direct current to thereby provide the direct current to each part, a control unit that is adapted to sense whether the tap tube is opened and closed to thereby control the power supply of the power source, a sensing unit, that is disposed around a portion where cool water and hot water meet thereby sense the temperature of water in the tap tube.

9. In Re Claim 6, An discloses a light emitting unit that is adapted to produce different color lights in accordance with the sensed water temperature in the sensing unit, and a light transmitting unit that is adapted to receive the light produced from the light emitting unit, for transmitting the light to a discharge outlet of the tap water.

10. In Re Claim 7, An discloses the light emitting unit serves to receive the power by the power source and to emit different color lights, depending upon the sensed water temperature in the sensing unit. The light emitting unit is employed with two tones of color LED. In case of the two tones of color LED, when water temperature is high, it displays red, when low, it displays blue, and when at room temperature, it displays purplish red or purple. However, it can be replaced in colors like yellow, green, greenish yellow. In this manner of using mixed colors, a digital three color way or an analog way of two primary colors may be adopted.

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11. In Re Claim 8, An discloses it is an object of the present invention to provide a tap water temperature sensing type of light emitting apparatus that is provided with a light emitting element that produces different color lights in accordance with the variations of the water temperature, thereby not only allowing users to visibly check instant water temperature from the tap but also satisfying a variety of desires of the users generally.

12. In Re Claim 9, An discloses a sensing unit is adapted to measure the water temperature by use of the water to be measured as a direct heat medium, unlike an alloy thermocouple or a hydraulic limit switch that is used in the conventional practices, and to emit the different color lights in accordance with the measured information.

13. In Re Claim 10, light emitting unit serves to receive the power by the power source and to emit different color lights, depending upon the sensed water temperature in the sensing unit. The light emitting unit is employed with two tones of color LED. In case of the two tones of color LED, when water temperature is high, it displays red, when low, it displays blue, and when at room temperature, it displays purplish red or purple. However, it can be replaced in colors like yellow, green, greenish yellow. In this manner of using mixed colors, a digital three color way or an analog way of two primary colors may be adopted.

***Allowable Subject Matter***

14. Claim 4 and 11 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to SALIM ALAM whose telephone number is (571) 270 - 1205.

The examiner can normally be reached on Monday to Thursday: 8:30 AM - 7:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Marvin Lateef can be reached at (571) 272 - 5026. The fax number for the organization where this application or proceeding is assigned is 571 - 273 - 8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9196 (toll-free). If you would like assistance from a USPTO customer service representative or access to the automated information system, please call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

SA

4/29/09

/Marvin M. Lateef/

Supervisory Patent Examiner, Art Unit 4136